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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,308	08/20/2001	Peter Krummrich	112740-243	7463

29177 7590 06/03/2003

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EXAMINER

HUGHES, DEANDRA M

ART UNIT PAPER NUMBER

3663

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/934,308

Applicant(s)

KRUMMRICH, PETER

Examiner

Deandra M Hughes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 5-9 is/are rejected.
- 7) ☒ Claim(s) 3-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxham (US 6,411,407 filed Sep. 17, 1998) in view of Abate (US 6,411,414 filed Nov. 19, 1998) and DiPasquale (US 6,437,906 published Aug. 20, 2002).

With regard to claim 1, Maxham discloses:

- a modular base amplifier arrangement (30) having a preamplifier stage (43a) and;
- a high power amplifier stage (27 – please note that a post amplifier is a power amplifier) connected to the at least one amplifier stage (43a) of the base amplifier arrangement and having an active fiber (the pre-amp and the post-amp are EDFAs; see col. 4, line 12) at least one pump signal source (1480 pump).

Maxham does not specifically disclose that the arrangement is based on single mode technology. However, Abate teaches single mode optical amplifiers (col. 2, lines 50-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a single mode optical fiber for the advantage for the advantage of greater optical power.

Further Maxham does not specifically disclose that the preamplifier stage has a first amplifier stage and a second amplifier stage. However, Dipasquale teaches that a

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traditional pre-amplifier structure has two amplifier stages (fig. 5, #509 and #513). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use two amplifier stages for the advantage of employing a traditional pre-amplifier structure.

With regard to claim 8, a filter is serially connected upstream from the power amplifier (SCW filt. 2, 38).

3. Claims 2, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxham (US 6,411,407 filed Sep. 17, 1998) in view of Abate (US 6,411,414 filed Nov. 19, 1998) and DiPasquale (US 6,437,906 published Aug. 20, 2002), as applied to claim 1 above, and further in view of Meli (US 6,414,769 published Jul. 2, 2002).

Maxham in view of Abate and DiPasquale does not disclose two high-power amplifier stages connected to the base amplifier arrangement. However, Meli teaches cascading high power amplifier stages (fig. 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to cascade an additional high-power amplifier stage for the advantage of increased output power of the amplifier configuration.

With regard to claim 7, Meli discloses that pump 34 of fig. 3 is connected to the output of the first amplifier 32 and the input of the second amplifier 36.

4. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxham (US 6,411,407 filed Sep. 17, 1998) in view of Abate (US 6,411,414 filed Nov. 19, 1998) and DiPasquale (US 6,437,906 published Aug. 20, 2002), as applied to claim 1 above, and further in view of Sakano (US 6,433,925 filed Jun. 17, 1998). Maxham in

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view of Abate and DiPasquale does not disclose a cascadable amplifier arrangement wherein the high-power amplifier stage has its own amplification control. However, Sakano teaches independent amplification controls for each amplification stage (100, 150). It would have been obvious to one of ordinary skill in the art at the time the invention was made to independently control the amplifier stages for the advantage of reduced noise.

With regard to claim 6, Sakano teaches that these stages are controlled optoelectronically (see control circuit's control of the pump power).

#### ***Allowable Subject Matter***

5. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-2 and 5-9 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deandra M Hughes whose telephone number is 703-306-4175. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G Black can be reached on 703-305-9707. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DMH  
June 1, 2003

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3600